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Attorneys for Healthcare Conglomerate Associates, LLC

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

In re:  
TULARE LOCAL HEALTHCARE DISTRICT  
dba TULARE REGIONAL MEDICAL  
CENTER,  
Debtor.

Case No.: 17-13797-9-B

DC No. WW-1

Chapter 9

**HEALTHCARE CONGLOMERATE  
ASSOCIATES, LLC’S MOTION TO  
STRIKE THE DEBTOR’S REPLY, THE  
TWO DECLARATIONS AND THE  
EXHIBIT TO ONE DECLARATION**

Date: November 16, 2017

Time: 9:30 a.m.

Place: Dept. B, Courtroom 13, 5<sup>th</sup> Fl.  
Fresno, CA

Judge: Hon. René Lastreto II

1 On an ex parte basis, the Debtor sought an order expediting the effective date of the  
2 rejection of various executory contracts, and this Court, *sua sponte*, instead granted an order  
3 shortening time ("Order" Dkt. 188). The Order provided that HealthCare Conglomerate  
4 Associates, LLC ("HCCA") need not submit a written opposition, but that if it did, such  
5 opposition must be filed/served by 5:00 p.m. on November 13. HCCA filed/served a limited  
6 opposition at approximately 4:15 p.m. on such date (Dkt. 194). Yesterday afternoon, the Court  
7 posted its tentative ruling. And yet this morning, the Debtor filed a reply, two supporting  
8 declarations and an exhibit (collectively, the "Reply Pleadings").

9 HCCA moves to strike the Reply Pleadings on two grounds: First, nothing in the Order  
10 permits the filing of a reply. Indeed, by not striking the Reply Pleadings, the Court would be  
11 penalizing HCCA for choosing to submit a written response rather than responding to the  
12 underlying motion orally at the hearing.

13 Second, the Reply Pleadings are tantamount to a new motion. The order rejecting the  
14 various agreements was approved as to form by the Debtor, by HCCA and by the California  
15 Department of Health Services ("Rejection Order" Dkt. 174). Paragraph 2 thereof discusses  
16 when the effective date of rejection will occur. Paragraph 9 of this morning's reply requests an  
17 amendment to the Rejection Order, expanding in five paragraphs that take up a page of the  
18 pleading, specific relief that was never discussed during the hearing on the rejection motion and  
19 was not included in the Rejection Order.

20 For the foregoing reasons, HCCA requests that the Rejection Pleadings be stricken.

21  
22 Dated: November 15, 2017

ORRICK, HERRINGTON & SUTCLIFFE LLP  
and KLEIN, DENATALE, GOLDNER,  
COOPER, ROSENLIEB & KIMBALL LLP

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26 By: /s/ Marc A. Levinson  
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